IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 11909 of 2004

Between:

1 Gullanki Krupadanam, S/o Premanandam, 48 yrs,
r/o Gunupudi village, Bhimavaram Mandal,

West Godavari District.
2 Smt. G. Sudershanamma, W/o Premanandam, 65 yrs,
r/o Gunupudi village, Bhimavaram Mandal,

West Godavari District.

..... PETITIONERS

AND

1 The Government of A.P.,

Rep. by its Secretary, Department of Endowments,
Secretariat, Hyderabad.
2 Sri Someswara Janardhana Swamy Vari Devasthanam

(Pancharama Kshetram), Gunupudi Village, Bhimavaram,
rep. by its Executive Officer,

Bhimavaram Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "WRIT OF MANDAMUS", declaring the action of the 2nd respondent in issuing the auction notice, pertaining to lands to the extent of Ac. 2.00 in Sy.No. 506 and Ac. 1.28 Cents in Sy.No. 504/1 of Gunupudi village, Bhimavaram Mandal, West

Godavari District, is as illegal, arbitrary, against the provisions of the A.P. Charitable and Hindu Religious Institutions and Endowment Lands of Agriculture Rules,. Provisions of A.P. Tenancy , against the Principles of Natural Justice and against the provisions of under Article 19(i) (g) of the Constitution of India and consequently direct the respondents not to conduct any auction for lease hold rights pertaining to the lands to the extent of Ac. 2.00 in Sy.No. 506 and Ac. 1.28 Cents in Sy.No. 504/1 of Gunupudi village, Bhimavaram Mandal, West Godavari District , without following the procedure contemplated by A.P. Charitable and Hindu Religious Institutions and Endowment Lands of Agriculture Rules and rules thereunder.

Counsel for the Petitioner: Mr.K.L.N.SWAMY

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2 : Smt N.Indrani, S.C. for Temple.

The Court made the following :

ORDER:

The petitioners claim to be the lessees in respect of Acs.2-00 of land in Survey No.506 and Ac.1.28 cents in Sy.No.504/1 of Gunupudi village, Bhimavaram Mandal, West Godavari District. The said land belongs to the 2nd respondent- Sri Someswara Janardhana Swamy Vari Devasthanam (Pancharama Kshetram). Originally, the father of the 1st petitioner was the tenant for Ac.2.00 of land in Sy.No.506. The 2nd petitioner who is the mother of the 1st petitioner has been the tenant for Ac.1.28 cents. After the death of the father of the 1st petitioner, both the petitioners have been continuing in possession and enjoyment of the entire extent. It is alleged that the tenancy in their favour has never been terminated and they have been continuing in possession, but the 2nd respondent-temple has proposed to conduct auction of the lease-hold rights in respect of the said land. In the circumstances, the petitioners contending that the action of the 2nd respondent-

temple is arbitrary and illegal, filed the present Writ petition.

I have heard the learned counsel for the petitioners and the learned standing counsel appearing for the 2nd respondent-temple.

Under Section 82(2) of The A.P. Charitable & Hindu Religious Institutions & Endowments Act, 1987, the tenant in occupation of the temple lands, if he is declared as landless poor person is entitled to purchase such land on payment of 3/4th of the market value. In the circumstances, I am of the view that the possession of the petitioners cannot be disturbed without making an enquiry about their status. Accordingly, the petitioners are granted liberty to make an application before the Assistant Commissioner of Endowments claiming that they are landless poor persons, within a period of four weeks from today. If such an application is made, the Assistant Commissioner of Endowments shall consider the same in accordance with law and pass appropriate orders within four weeks thereafter. Till such orders are passed, the petitioners shall not be dispossessed from the land in question. The respondents are also directed not to conduct any auction in respect of the lease-hold rights of the land in question till then.

Accordingly, the Writ petition is disposed of. No order as to costs.

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(G.ROHINI,J)

29-07-2004.

Note:- CC in two days

(B/0)

TSY

To

1 The Secretary,

Government of A.P.,

Department of Endowments,

Secretariat,

Hyderabad.

2. The Executive Officer, Sri Someswara Janardhana

Swamy Vari Devasthanam, Gunupudi village, Bhimavaram,

West Godavari District.

3. Two CCs to the GP for Endowments, High Court,Hyderabad (O.U.T.)

4. Two CD Copies.